

REMARKS

Claims 1 – 14 remain in this application. Claims 1 and 11 have been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 1 has been amended to include the clarification that applicant's "attachment layer member" is "integral," whereas Kornerup teaches a combination of a grooved support component and an adhesive strip covering to effect attachment. Further, claim 1 has been amended to include the limitation that the center portion defines a cushioning pad and that the medical tubing anchor and support is disposed between patient medical tubing and skin to anchor the tubing without affecting the parallel relationship of the tubing to the skin. These amendments are supported by the specification on page 6, lines 11 – 13 and Figs. 3 and 4 of the drawings.

Claim 11 has been amended to include the identical amendments made to claim 1 in this amendment and the previously filed amendment.

In the Office Action, claims 1 – 14 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection. Applicant disagrees that the limitation that the base member and the attachment member are laminar is not enabled by the specification. Laminar generally means a thin layer or sheet. Not only are applicant's members described and claimed as "layer members," but one skilled in the art can recognize in the drawings that the layers of the tubing anchor are laminar. Also, the specification describes the base as being a flexible woven or nonwoven fabric (page 5, lines 18 – 20) and the attachment member being made of a fabric, light weight cellular material (page 6, lines 11 – 12). It is known that fabric and fabric-like materials are laminar, having lengths and widths that are significantly larger than their thicknesses. The scope of the term laminar is clear from the plain language definition of the word, the specification, and the drawings. Further, the enablement requirement requires the specification to teach (enable) one skilled in the art how to make and use the invention. The purpose of the enablement requirement is not to inform

potential infringers what may or may not infringe the claims; that is the process of claim interpretation. The specification, including the portions noted above, and the drawings teach one skilled in the art how to make and use a laminar base and a laminar attachment member.

Therefore, applicant respectfully requests that the Section 112, first paragraph rejection of claims 1 - 14 be withdrawn.

Claims 1 - 7, 9, and 11 - 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Kornerup (U.S. Patent No. 5,685,859). Applicant respectfully traverses this rejection. Kornerup does not disclose a generally laminar attachment layer member. The "support component" of Kornerup is not a laminar layer. Kornerup also does not disclose a conformable generally laminar base layer. Further, Kornerup does not disclose locking strips and center portion of the attachment layer member being integral. Moreover, the device of Kornerup is not disposed between patient medical tubing and skin to anchor the tubing without affecting the parallel relationship of the tubing to the skin.

Kornerup discloses a plaster component and a support component joined to the plaster component. The support component is raised and includes a groove that is inclined and extends from an elevated point at one end to a point at another end that is substantially level to the skin surface of a patient. The support component functions to turn a length of tubing from an orientation perpendicular to the skin surface to an orientation parallel with the skin surface while preventing the tubing from becoming blocked by a kink or bend. In order to accomplish this, the support component must be raised, curved, and have an inclined surface. Formation of a blockage in the tubing can result in harm to a patient. The device of Kornerup is not flat. See Kornerup column 2, lines 29 - 61; column 3, lines 54 - 62; column 4, line 67 - column 5, line 5; column 7, lines 2 - 25.

The plaster component, which is adhered to the skin, cannot be conformable because it is made of plaster. In contrast, the laminar base layer member of the present invention is conformable and is made of, for example, a fabric (see page 5, lines 18 - 20). Further, the support component is not a laminar layer member. It is significantly raised on

one end and includes a sloped surface (see also Kornerup, Figs. 6 and 7). The support component protrudes from the upper surface of the plaster component (Kornerup col. 7, lines 4 - 6) and therefore cannot be a laminar layer. Even more, the strip 143 is sandwiched between the support component and the plaster component (Kornerup col. 7, lines 48 - 50) and is not integral with the support component. Moreover, in contrast to the present invention, Kornerup does affect the parallel relationship of tubing to the skin; it gradually changes the tubing from an orientation perpendicular to the skin to a parallel orientation without causing kinks in the tubing.

Kornerup also does not disclose locking strips extending longitudinally from ends of a center portion as in the present invention. Longitudinal refers to the lengthwise dimension. Referring to Fig. 5 of Kornerup, the lengthwise dimension extends in a direction passing through the end of the support component adjacent item 180 and the far end of the ring 150 opposite item 180. These are the longitudinal ends of the device. Even if the sides of the support component can be considered ends, the strip 143 does not extend longitudinally from the sides. Instead, the strip 143 extends from the sides transverse to the support component. In other words, the strip 143 is transverse to the support component and the plaster component/base. (See also column 7, lines 48 - 50 of Kornerup that describes the strip 143 extending beyond the "sides" of the elongated section 160 of the support component 150). This is in contrast to the present invention wherein the locking strips extend longitudinally from the center portion along a lengthwise, longitudinal direction of the base, as shown for example in present Fig. 2.

For these reasons, applicant respectfully requests that the Section 102(b) rejection of claims 1 - 7, 9, and 11 - 14 over Kornerup be withdrawn.

Claim 8 was rejected under Section 103(a) as being unpatentable over Kornerup in view of Biërman (U.S. Patent No. 6,689,104). Applicant respectfully traverses this rejection. Claim 8 depends indirectly from claim 1. As argued above, claim 1 is allowable over Kornerup. Therefore, claim 8 is also allowable over Kornerup, and further over any

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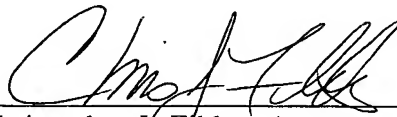
combination of Kornerup with Bierman. Hence, applicant respectfully requests that the Section 103(a) rejection of claim 8 over Kornerup in view of Bierman be withdrawn.

This amendment is believed to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Further, this amendment should be entered as it places the application in condition for allowance or in better form for appeal. No further search or consideration is required. Favorable action is requested.

Respectfully submitted,

Jerry H. Roberts et al.

Fildes & Outland, P.C.

A handwritten signature in black ink, appearing to read "Chris Fildes", written over a horizontal line.

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